

STATUTORY INSTRUMENTS

1976 No. 1882

GAS

The Gas Safety (Rights of Entry) Regulations 1976*Made - - - - 4th November 1976**Laid before Parliament 17th November 1976**Coming into Operation 7th March 1977*

The Secretary of State, in exercise of his powers under sections 31(1) to (4) and 42(2) of the Gas Act 1972(a) and of all other powers in that behalf enabling him, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Gas Safety (Rights of Entry) Regulations 1976 and shall come into operation on 7th March 1977.

(2) References in these regulations to the supply of gas shall be construed as references to gas supplied by the British Gas Corporation (hereinafter referred to as “the Corporation”) to a consumer, and, in regulation 4 below, “primary meter” means a meter connected to a service pipe, the index reading of which constitutes the basis of charge by the Corporation for gas used on the premises.

(3) The Interpretation Act 1889(b) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament; and section 38(2) of the Interpretation Act 1889 (which relates to the effect of repeals) shall apply to these regulations as if these regulations were an Act of Parliament and as if the regulation revoked by regulation 9 below was an Act of Parliament thereby repealed.

Rights of entry, disconnection and discontinuance of supply

2. Any officer authorised by the Corporation may, on the production of some duly authenticated document showing his authority, with such other persons (if any) as may be necessary—

- (a) enter any premises in which there is a service pipe connected with gas mains of the Corporation, for the purpose of inspecting any gas fitting on the premises, any flue or means of ventilation used in connection with any such gas fitting, or any service pipe or other apparatus (not being a gas fitting) which is on the premises and belongs to the Corporation or is connected with the gas mains of the Corporation,

(a) 1972 c. 60.

(b) 1889 c. 63.

- (b) where he so enters any such premises, examine or apply any test to any such object as is mentioned in paragraph (a) above and (where the object is a gas fitting) verify what supply of air is available for it, with a view to ascertaining whether the provisions of any regulations made under section 31 of the Gas Act 1972 have been complied with or whether the object is in such a condition, or (in the case of a gas fitting) the supply of air available for it is so inadequate, that it (or, in the case of a flue or means of ventilation, the gas fitting in connection with which it is used) is likely to constitute a danger to any person or property, and
- (c) where in his opinion it is necessary to do so for the purpose of averting danger to life or property, and notwithstanding any contract previously existing, disconnect and seal off any gas fitting or any part of the gas supply system on the premises, or cut off the supply of gas to the premises or, if no such supply is being given, signify the refusal of the Corporation to give such a supply.

Notification to consumer

3.—(1) Where an officer authorised by the Corporation takes any action in relation to any premises in the exercise of a power conferred by regulation 2(c) above, the Corporation shall, within five clear working days after the action is taken, serve on the consumer a notice in writing—

(a) specifying—

- (i) the nature of the defect or other circumstances in consequence of which the power has been exercised; and
- (ii) the nature of the danger in question and the action taken in the exercise of the power; and

(b) stating—

- (i) that the consumer has a right to appeal under these regulations to the Secretary of State against the action taken in the exercise of the power within the period of twenty-one days beginning with the date of service of the notice, or such longer period as the Secretary of State may at any time in any particular case allow;
- (ii) the grounds on which and the manner in which he can appeal; and
- (iii) the effect of regulations 7 and 8 below.

(2) In this regulation “working day” does not include a Saturday, Sunday or a bank or other public holiday.

4. Where an officer authorised by the Corporation takes any action in relation to any premises in the exercise of a power conferred by regulation 2(c) above, he shall at the same time affix prominently a notice of the effect of the relevant part of regulations 7 and 8 below to, or to a part of the premises near to, the gas fitting or part of the gas supply system in question or, where he has cut off the supply of gas to the premises or signified the refusal of the Corporation to give such a supply, to, or to a part of the premises near to, every primary meter therein, or, if there is no such meter, to a conspicuous part of the premises.

Appeals

5. The consumer on whom is served such notice as is mentioned in regulation 3 above may, within the period of twenty-one days beginning with the date of service of the notice, or such longer period as the Secretary of State may at

any time in any particular case allow, appeal to the Secretary of State against the action taken in the exercise of a power conferred by regulation 2(c) above on any of the following grounds that is to say—

- (a) that the defect or other circumstance specified in the notice did not constitute a danger such as to justify the action taken specified in the notice;
- (b) that the defect or other circumstances so specified did not exist at the time the action was taken; or
- (c) that the defect or other circumstances so specified have ceased to exist.

6.—(1) An appeal under regulation 5 above shall be of no effect unless it is made by notice in writing to the Secretary of State for Energy, Gas Standards Branch, Wigston, Leicester and indicates the grounds of the appeal.

(2) On any such appeal the Secretary of State may, if either the consumer or the Corporation so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(3) On the determination of the appeal the Secretary of State may direct that, subject to any right of the Corporation to withhold supply under a provision of Schedule 4 to the Gas Act 1972,—

- (a) any gas fitting or part of the gas supply system on the premises which has been disconnected under these regulations either shall remain disconnected or shall or may be reconnected;
- (b) any supply of gas to the premises which has been cut off under these regulations either shall remain cut off or shall or may be restored; or
- (c) where the refusal of the Corporation to give such a supply has been signified under these regulations, the Corporation either shall not give a supply of gas or shall or may cause gas to be supplied to the premises, and may give such supplementary directions as he considers to be appropriate in consequence of the appeal.

Prohibition of reconnection or restoration of supply or causing a supply to be given

7. No person shall, except with the consent of the Corporation or in pursuance of any directions given by the Secretary of State under regulation 6(3) above,—

- (a) reconnect any gas fitting or part of a gas supply system which has been disconnected by or on behalf of the Corporation in the exercise of a power conferred by these regulations where he knows or has reason to believe that it has been so disconnected; or
- (b) restore the supply of gas to any premises where it has been cut off by or on behalf of the Corporation in the exercise of any such power and he knows or has reason to believe that it has been so cut off; or
- (c) cause gas from the gas mains of the Corporation to be supplied to any premises where in pursuance of these regulations the refusal of the Corporation to give a supply to those premises has been signified and that refusal has not been withdrawn and he knows or has reason to believe that such refusal has been signified and has not been withdrawn.

Penalties

8. Any person contravening or failing to comply with any provision of these regulations or the Gas Safety Regulations 1972(a) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.

Revocation

9. Regulation 53 of the Gas Safety Regulations 1972 is hereby revoked.

4th November 1976.

John Cunningham,
Parliamentary Under-Secretary of State,
Department of Energy.

(a) S.I. 1972/1178 (1972 II, p. 3500).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations made by the Secretary of State for Energy under sections 31(1) to (4) and 42(2) of the Gas Act 1972 supplement the Gas Safety Regulations 1972 made under section 67 of the Gas Act 1948 (c. 67) and continued in force after the repeal of that Act by paragraph 16 of Schedule 7 to the Gas Act 1972 as if made under section 31 of the Gas Act 1972.

The Regulations –

- (a) enable authorised officers of the British Gas Corporation to enter premises of consumers, to examine and test in such premises gas fittings, flues or means of ventilation used in connection with gas fittings, and service pipes and other apparatus, for compliance with regulations under section 31 of the Gas Act 1972 or for dangers to person or property and where they consider it necessary for the purpose of averting danger to life or property, to disconnect and seal off any gas fitting or part of the gas supply system on the premises or cut off the supply of gas to the premises or signify the refusal of the Corporation to give a supply.
- (b) provide for consumers to be notified as to the nature of the defect or other circumstances in consequence of which any gas fitting or part of a gas supply system has been so disconnected and sealed off, or any supply of gas has been so cut off or refused, and enable them to appeal to the Secretary of State.
- (c) prohibit the reconnection or restoration of supply or causing a supply to be given except with the consent of the Corporation or in accordance with directions given by the Secretary of State in consequence of an appeal, and
- (d) make contravention or failure to comply with these Regulations or the Gas Safety Regulations 1972 an offence punishable on summary conviction with a maximum fine of £400 and revoke the corresponding provision of the Gas Safety Regulations 1972 which provided a maximum fine of £100.

By virtue of paragraph 28 of Schedule 4 to the Gas Act 1972, the provisions of these Regulations conferring powers of entry have effect subject to the provisions of the Rights of Entry (Gas and Electricity Boards) Act 1954 (c. 21), as amended by paragraph 5 of Schedule 6 to the Gas Act 1972, which provide that, otherwise than in case of emergency, such powers shall not be exercisable except with consent given by or on behalf of the occupier of the premises or under the authority of a warrant.

SI 1976/1882
ISBN 0-11-061882-3

